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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

DON C. BENNETT, COMERLIS  
DELANEY, GARY ROBINSON, DARREN  
SCOTT, JON HOTZLER, and PATRICK  
NICASSIO, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

SIMPLEXGRINNELL, LP,  
Defendant.

Case No. 11-1854 JST (NJV)

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO CONTINUE MEDIATION DEADLINE**

Complaint Filed: April 18, 2011

First Amended

Complaint Filed: June 27, 2011

Second Amended

Complaint Filed: June 26, 2012

Third Amended

Complaint Filed: July 17, 2013

Trial Date:

None Set

Judge:

Honorable Jon S. Tigar

1 Pursuant to Local Rules 6-1, 6-2, and 7-12, Plaintiffs and Defendant SimplexGrinnell LP  
2 hereby stipulate as follows:

3 WHEREAS, on June 27, 2013, the Court entered a scheduling order setting October 29,  
4 2013 as the deadline for the Parties to complete participation in the Court's Mediation Program  
5 (the "Mediation");

6 WHEREAS, based on the availability of the Parties and the Court-appointed Mediator, the  
7 date most recently contemplated for the whole-day Mediation was October 23, 2013;

8 WHEREAS, Defendant's representative now has a conflict on October 23, 2013 and cannot  
9 attend the Mediation on that date;

10 WHEREAS, Defendant's Expert Reports are due October 21, 2013;

11 WHEREAS, the Parties have met and conferred about the mutual benefits of allowing more  
12 time to hold the Mediation, including affording Plaintiffs sufficient time to examine  
13 SimplexGrinnell's expert reports. Plaintiffs have consented to an extension of the deadline to  
14 complete the Mediation; and

15 WHEREAS, the Parties are available to attend the Mediation on November 19, 2013 and  
16 the Court-appointed Mediator has confirmed reservation of that date.

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1 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

2 If the Court approves, that the deadline for the Parties to complete the Mediation is  
3 continued to November 29, 2013.

4 Dated: September 19, 2013

Respectfully submitted,

5 By: /s/ Karla A. Gilbride

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21 *Attorneys for Plaintiffs and Proposed Class*

1 Dated: September 19, 2013

2 By: /s/ Carolyn B. Hall

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18 *Attorneys for Defendant SimplexGrinnell LP*

**ATTESTATION**

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: September 19, 2013

By: /s/ Carolyn B. Hall

Carolyn B. Hall

OGLETREE, DEAKINS, NASH,

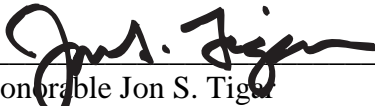
SMOAK & STEWART, P.C.

*Attorneys for Defendant SimplexGrinnell LP*

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 20, 2013

  
\_\_\_\_\_  
Honorable Jon S. Tighe  
United States District Court Judge